

R E M A R K S

Claims 1-4 are currently pending in the subject application. By the instant amendment, new claim 5 is added, claim 1 is amended to more particularly recite the subject matter of the present invention, and claim 2 is amended to be in independent form including all of the limitations of its base claim, claim 1. No new matter is added by new claim 5 or the amendments to claims 1 and 2, as the subject matter thereof may be found in the specification as originally filed at paragraphs [0022] – [0025], in FIG. 3, and in claims 1 and 4.

Applicants appreciate the Examiner's acknowledgment of Applicants' claim for foreign priority, and receipt of a certified copy of the priority document.

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 2 and 3.

Claims 1-5 are presented to the Examiner for initial or further prosecution on the merits.

A. Introduction

In the outstanding Office Action mailed on January 20, 2004, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,583,359 to Ng et al. ("the Ng et al. reference"). The Examiner objected to claims 2 and 3 for depending upon a rejected base claim, but indicated that claims 2 and 3 would be allowable if rewritten to be in independent form including all of the limitations of the base claim and any intervening claims.

B. Asserted Rejections Under 35 U.S.C. § 102(b)

In the outstanding Office Action, the Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(b) as being anticipated by the Ng et al. reference.

This rejection is respectfully traversed, as the Ng et al. reference fails to teach each and every limitation of present invention as recited in claim 1 amended herein.

Claim 1 has been amended to recite, in relevant part:

wherein each electrode of a plurality of electrodes is [[are]] formed in parallel in the dielectric layer in a diagonal direction between the upper electrode and the lower electrode,

U.S. Serial No. 10/635,472, claim 1, as amended.

As disclosed at paragraph [0022] and illustrated in FIG. 3 of the specification as filed, and as recited in claim 1 as amended herein, each electrode of the plurality of electrodes is positioned diagonally between the upper electrode and the lower electrode.

Unlike in the present invention as recited in claim 1, the “finger” electrodes of the Ng et al. reference are formed in a vertical direction perpendicular to electrodes to which they are coupled, as illustrated in FIGS. 3, 5, 8, and 11-18 of the Ng et al. reference. Accordingly, nothing in the Ng et al. reference would teach or suggest the use of a plurality of electrodes positioned diagonally between the upper electrode and the lower electrode, as disclosed and claimed in the present invention.

Therefore, claim 1 and claim 4, which depends from claim 1, are believed to be patentably distinct over the Ng et al. reference and in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 4 are respectfully requested.

B. Allowable Subject Matter

In the outstanding Office Action, the Examiner objected to claims 2 and 3 for depending from a rejected base claim, but indicated that claims 2 and 3 would be allowable if rewritten to be in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 has been amended to include the subject matter of its base claim, viz. claim 1, and as such, claim 2 and claim 3, which depends from claim 2, are believed to be in condition for allowance, and a notice to such effect is respectfully requested.

C. New Claim 5

By the instant amendment, new claim 5, which depends from claim 2, is added. New claim 5 includes no new matter, as the subject matter thereof may be found in the specification as filed, for example, at paragraphs [0007] and [0023]. New claim 5 is believed to be allowable as depending from an allowable base claim, and an early and favorable action on claim 5 is earnestly solicited.

D. Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that claims 1-5 are in condition for allowance, and a notice to such effect is respectfully requested.

Finally, if the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is respectfully requested, and an early and favorable action upon all pending claims is hereby requested.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.